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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CENTER FOR BIOLOGICAL
11 DIVERSITY and WILD FISH
CONSERVANCY,

12 Plaintiffs,

13 v.

14 NATIONAL MARINE FISHERIES
15 SERVICE; BARRY THOM, Regional
Administrator of National Marine
16 Fisheries Service West Coast Region;
and WILBUR ROSS, Secretary of
Commerce,

17 Defendant.
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CASE NO. C19-487 MJP

ORDER GRANTING MOTION TO
INTERVENE BY PACIFIC COAST
FEDERATION OF FISHERMEN'S
ASSOCIATIONS AND COASTAL
TROLLERS ASSOCIATION

20 THIS MATTER comes before the Court on Pacific Coast Federation of Fishermen's
21 Associations' ("PCFFA's") and Coastal Trollers Association's ("CTA's") Motion to Intervene
22 (Dkt. No. 15). Having reviewed the Motion, the Response (Dkt. No. 21), the Reply (Dkt. No.
23 22), and the related record, the Court GRANTS the Motion.
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1 Federal Rule of Civil Procedure 24 provides for both intervention as a matter of right and
2 permissive intervention. Under Rule 24(a), a party may intervene as a matter of right if a federal
3 statute gives it an unconditional right to intervene, or if the party “claims an interest relating to
4 the property or transaction that is the subject of the action, and is so situated that disposing of the
5 action may as a practical matter impair or impede the movant’s ability to protect its interest,
6 unless existing parties adequately represent that interest.” Fed. R. Civ. P. 24(a). Under Rule
7 24(b), a party may intervene if its claim or defense shares a common question of law or fact with
8 the underlying action and intervention will not unduly delay or prejudice the adjudication of the
9 original parties’ rights. Fed. R. Civ. P. 24(b).

10 PCFFA and CTA assert they are entitled to intervene under either provision. (Dkt. No.
11 15 at 1-2.) Plaintiffs respond that they do not object to intervention, so long as several
12 conditions are met: Proposed Intervenors must (1) abide by the existing scheduling dates issued
13 in this case; (2) only file motions joined by the federal Defendants; (3) work with the federal
14 Defendants to avoid duplicative briefing; and (4) conduct no independent discovery. (Dkt. No.
15 21 at 1-2.) PCFFA and CTA agree to the first and third conditions—they will abide by the
16 existing scheduling dates and work with the federal Defendants to avoid duplicative briefing—
17 but object to the second and fourth conditions, arguing that these conditions would require them
18 to advocate only for positions identical to those of the federal Defendants. (Dkt. No. 22 at 2.)
19 The Court agrees. PCFFA and CTA have demonstrated they are entitled to intervene under Rule
20 24(a) because the existing parties do not adequately represent their interests; denying them the
21 opportunity to present their arguments or conduct the discovery necessary to support those
22 arguments would undermine the very purpose of intervention. Fed. R. Civ. P. 24(a).

1 Accordingly, the Court GRANTS the Motion to Intervene pursuant to the following
2 conditions:

- 3 (1) PCFFA and CTA will abide by the existing scheduling dates issued in this case; and
4 (2) will work with the federal Defendants to avoid duplication by holding a meet and
5 confer conference before filing any briefs or conducting any discovery.

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7 The clerk is ordered to provide copies of this order to all counsel.

8 Dated June 25, 2019.

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11 Marsha J. Pechman
12 United States District Judge
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